

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

W.M.M., et al., on their own behalf and on	)	
behalf of all others similarly situated,	)	
	)	
<i>Petitioners-Plaintiffs</i>	)	
	)	
v.	)	<b>Case No. 1:25-cv-00059-H</b>
	)	
DONALD J. TRUMP, in his official capacity	)	
as President of the United States, et al.,	)	
	)	
<i>Respondents-Defendants</i>	)	
	)	

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Pursuant to FED. R. CIV. P. 7, undersigned amici, who are law professors with expertise in class actions and habeas corpus (“Professor Amici”), respectfully request this Court’s leave to file the accompanying Brief of Amicus Curiae Class Action and Habeas Professors in support of Plaintiffs’ Motion for Reconsideration of the Court’s May 9, 2025 Order denying class certification (ECF No. 68). Pursuant to Local Rules 7.1 and 7.2, Professor Amici’s counsel has conferred with counsel for the parties; neither Plaintiffs nor Defendants object to the filing of the attached amicus brief. Therefore, this motion is unopposed.

Professor Amici are law professors who study and teach about class actions, habeas corpus, or both. They are: Maureen Carroll (Michigan), Zachary Clopton (Northwestern), Lee Kovarsky (Texas), James Pfander (Northwestern), Theodore Rave (Texas), Judith Resnik (Yale), Jordan Steiker (Texas), and Adam Zimmerman (University of Southern California). They share the view, expressed by the attached Amicus Brief, that habeas corpus cases should receive class treatment under the same conditions that any other case would, and that class treatment is appropriate in this case.

Unlike the corresponding appellate rules, the federal, local, and chamber rules applicable here do not specifically address amicus briefs, other than to require leave to file such briefs and that the briefs “set forth the interest of the amicus curiae in the outcome of the litigation.” *See* Local Rule 7.2. Nonetheless, the appellate rules contain criteria helpful for deciding leave to file the amicus brief here. The Advisory Committee Note to the 1998 amendments to Rule 29 explains that “[t]he amended rule ... requires that the motion state the relevance of the matters asserted to the disposition of the case,” and argumentation on relevant matters is “ordinarily the most compelling reason for granting leave to file.” FED. R. APP. P. 29, Advisory Committee Notes, 1998 Amendment.

As now-Justice Samuel Alito wrote while serving on the U.S. Court of Appeals for the Third Circuit, “I think that our court would be well advised to grant motions for leave to file amicus briefs unless it is obvious that the proposed briefs do not meet Rule 29’s criteria as broadly interpreted. I believe that this is consistent with the predominant practice in the courts of appeals.” *Neonatology Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002) (citing MICHAEL E. TIGAR AND JANE B. TIGAR, *FEDERAL APPEALS—JURISDICTION AND PRACTICE* 181 (3d ed. 1999) and ROBERT L. STERN, *APPELLATE PRACTICE IN THE UNITED STATES* 306, 307-08 (2d ed. 1989)). Now-Justice Alito favorably cited the Tigar & Tigar treatise for the proposition that “[e]ven when the other side refuses to consent to an amicus filing, most courts of appeals freely grant leave to file, provided the brief is timely and well-reasoned.” *Id.*

Professor Amici respectfully submit that their proffered memorandum of law will bring the following relevant matters to the Court’s attention: (1) that there is a longstanding practice of certifying class actions in appropriate habeas cases; (2) that habeas class treatment is fully authorized by controlling doctrine; and (3) that habeas class actions are consistent with the

underlying purposes of representative litigation. These issues are all relevant to this Court's reconsideration of the Plaintiffs' motion for class certification. Professor Amici thus submit that their brief may aid the Court.

For the foregoing reasons, Professor Amici respectfully request that the Court grant their Motion for leave to file the accompanying brief as amicus curiae.

Dated: May 13, 2025

Respectfully submitted,

/s/ Anne M. Johnson

Anne M. Johnson  
Texas Bar No. 00794271  
ajohnson@tillotsonlaw.com  
Stephani A. Michel  
Texas Bar No. 24116763  
smichel@tillotsonlaw.com  
**TILLOTSON JOHNSON & PATTON**  
1201 Main St., Suite 1300  
Dallas, TX 75202  
Telephone: (214) 382-3041  
Facsimile: (214) 292-6564

Lee Kovarsky\* (*not barred in N.D. Texas*)  
Texas Bar No. 24053310  
Bryant Smith Chair in Law  
**THE UNIVERSITY OF TEXAS SCHOOL OF LAW**  
727 E. Dean Keeton Street  
Austin, Texas 78705  
Telephone: 512.232.1504  
Email: lee.kovarsky@law.utexas.edu

**ATTORNEYS FOR PROFESSOR AMICI**

**CERTIFICATE OF CONFERENCE**

The undersigned counsel hereby certifies that she conferred with counsel for Plaintiffs and counsel for Defendants who all stated that they were unopposed to the relief requested herein.

/s/ Anne M. Johnson  
Anne M. Johnson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 13th day of May, 2025, a true and correct copy of the foregoing document has been served via e-filing upon all counsel of record.

/s/ Anne M. Johnson  
Anne M. Johnson